

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JOHN FRILANDO,)	
)	
Petitioner,)	
)	
v.)	CASE NO. CV422-066
)	
CALVIN OLIPHANT and WARDEN)	
MICHAEL LONG,)	
)	
Respondents.)	
)	

O R D E R

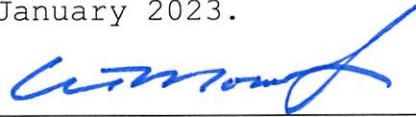
Before the Court is the Magistrate Judge's December 6, 2022, Report and Recommendation (Doc. 27), to which Petitioner has not filed an objection. After a careful review of the record,¹ the report and recommendation (Doc. 27) is **ADOPTED** as the Court's opinion in this case. Accordingly, Petitioner's Amended Petition Under 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE**. (Doc. 20.)

Applying the Certificate of Appealability (COA) standards set forth in Brown v. United States, Nos. 407CV085, 403CR001, 2009 WL 307872, at *1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no

¹ The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (outlining the standard of review for report and recommendations (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam))).

COA-worthy issues at this stage of the litigation. Thus, no COA should issue either. 28 U.S.C. § 2253(c)(1); Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts ("The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant"). The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 30th day of January 2023.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA